

Docket No.: 01946/100B861-US2  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Andrea LEONE-BAY *et al.*

Application No.: 10/005,511

Attorney Handling Renewed Petition:  
Paul Shanoski

Filed: November 7, 2001

Confirmation No.: 2401

For: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

Art Unit: 1615

Examiner: J. M. Spear

**RENEWED PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR UNINTENTIONALLY DELAYED  
CLAIM UNDER 35 U.S.C. § 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Paul Shanoski

Dear Sir:

Applicants' petition filed on April 11, 2005 to accept an unintentionally delayed claim under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) was dismissed because it did not provide the proper reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application. The Petitions Examiner stated that the Application Data Sheet failed to indicate the relationship between the present application and PCT application PCT/US96/04580, as well as the relationship between PCT/US96/04580 and U.S. Serial No. 08/414,654.

Applicants submit herewith a revised Application Data Sheet (ADS). The revised ADS states that the present application is a continuation-in-part of International Application No. PCT/US96/04580, filed April 1, 1996 and published as WO 96/30036 on October 3, 1996, which is a continuation-in-part of U.S. Serial No. 08/414,654, filed March 31, 1995.

The entire delay between the date the priority claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

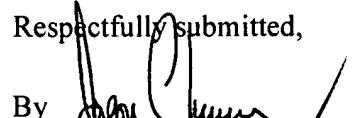
The Comissioner is authorized to charge deposit account No. 04-01000 for any necessary fees associated with this renewed petition, including the surcharge set forth in § 1.17(t).

Acceptance of the delayed priority claim to International Application No. PCT/US96/04580, U.S. Serial No. 08/414,654, and U.S. Serial No. 60/003,111 is respectfully requested.

Dated: October 4, 2005

Respectfully submitted,

By

  
Jason C. Chumney

Registration No.: 54,781

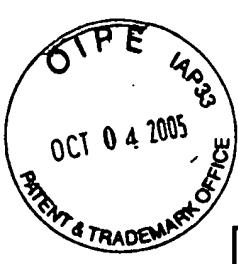
DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	(\$)	0.00
--------------------------------	------	------

<b>Complete if Known</b>	
Application Number	10/005,511
Filing Date	November 7, 2001
First Named Inventor	Sam J. Milstein
Examiner Name	J. M. Spear
Art Unit	1615
Attorney Docket No.	01946/100B861-US2

**METHOD OF PAYMENT** (check all that apply)

Check    Credit Card    Money Order    None    Other (please identify): \_\_\_\_\_  
 Deposit Account   Deposit Account Number: 04-0100   Deposit Account Name: Darby & Darby P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below    Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17    Credit any overpayments

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

<u>Small Entity</u>	
Fee (\$)	Fee (\$)
50	25
200	100

Each independent claim over 3 (including Reissues)

360      180

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
				<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
201	- 201	x	=		
2	- 3 =	x	=		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
		/50 (round up to a whole number) x	=	

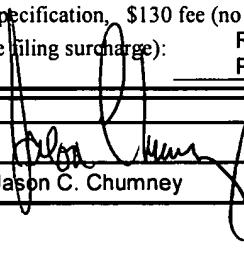
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Renewed Petition for Unintentionally Delayed Claim for Priority

0

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	54,781	Telephone	(206) 262-8919
Name (Print/Type)	Jason C. Chumney			Date	October 4, 2005

DARBY &  
DARBY  
PROFESSIONAL  
CORPORATION



INTELLECTUAL PROPERTY LAW

NEW YORK  
805 THIRD AVENUE  
NEW YORK, NY 10022-7513  
TEL 212.527.7700  
FAX 212.527.7701

SEATTLE  
1191 SECOND AVENUE  
SEATTLE, WA 98101-3404  
TEL 206.262.8900  
FAX 206.262.8901

October 4, 2005

Attorney Docket No.: 01946/100B861-US2

**JASON C. CHUMNEY**  
ATTORNEY AT LAW  
212.527.7637  
jchumney@darbylaw.com

**VIA EXPRESS MAIL**

Mail Stop Petition  
Commissioner of Patents, United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATT: Paul Shanoski, Esq.**

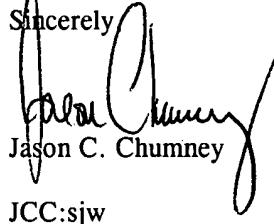
Re: **Renewed Petitions Under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6)**  
**U.S. Patent Application No. 10/005,511**

In support of the Renewed Petition Under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6),  
Applicants submit herewith:

(1) A Renewed Petition under 37 C.F.R. § 1.78(a)(3) for Unintentionally  
Delayed Claim under 35 U.S.C. § 120 for the Benefit of Prior-Filed  
Applications;

(2) A revised Application Data Sheet.

Applicants request that this renewed petition be granted.

Sincerely  
  
Jason C. Chumney

JCC:sjw

Encls.